

PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

REC'D 28 SEP 2004

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Applicant's or agent's file reference P200200083 WO	FOR FURTHER ACTION See Notification of Transmittal of International Preliminary Examination Report (Form PCT/PEA/416)	
International application No. PCT/EP 03/02302	International filing date (day/month/year) 04.03.2003	Priority date (day/month/year) 03.04.2002
International Patent Classification (IPC) or both national classification and IPC G06F3/033		
Applicant SONY ERICSSON MOBILE COMMUNICATIONS AB		

1. This International preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.
2. This REPORT consists of a total of 5 sheets, including this cover sheet.

☒ This report is also accompanied by ANNEXES, i.e. sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).

 These annexes consist of a total of 7 sheets.

3. This report contains indications relating to the following items:
 - I ☒ Basis of the opinion
 - II ☐ Priority
 - III ☐ Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
 - IV ☐ Lack of unity of invention
 - V ☒ Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
 - VI ☐ Certain documents cited
 - VII ☐ Certain defects in the international application
 - VIII ☐ Certain observations on the international application

Date of submission of the demand 22.10.2003	Date of completion of this report 28.09.2004
Name and mailing address of the International preliminary examining authority:  European Patent Office - P.B. 5818 Patentlaan 2 NL-2280 HV Rijswijk - Pays Bas Tel. +31 70 340 - 2040 Tx: 31 651 epo nl Fax: +31 70 340 - 3016	Authorized Officer Baldan, M Telephone No. +31 70 340-2809 

**INTERNATIONAL PRELIMINARY
EXAMINATION REPORT**

International application No. **PCT/EP 03/02302**

I. Basis of the report

1. With regard to the **elements** of the international application (*Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rules 70.16 and 70.17)*):

Description, Pages

6-11 as originally filed
1-5 received on 04.08.2004 with letter of 04.08.2004

Claims, Numbers

1-10 received on 04.08.2004 with letter of 04.08.2004

Claims, Pages

12, 13 received on 04.08.2004 with letter of 04.08.2004

Drawings, Sheets

1/2-2/2 as originally filed

2. With regard to the **language**, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language: , which is:

- ☐ the language of a translation furnished for the purposes of the international search (under Rule 23.1(b)).
☐ the language of publication of the international application (under Rule 48.3(b)).
☐ the language of a translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).

3. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- ☐ contained in the international application in written form.
☐ filed together with the international application in computer readable form.
☐ furnished subsequently to this Authority in written form.
☐ furnished subsequently to this Authority in computer readable form.
☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. The amendments have resulted in the cancellation of:

- ☐ the description, pages:
☐ the claims, Nos.:

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☐ the drawings, sheets:

5. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed (Rule 70.2(c)).

(Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.)

6. Additional observations, if necessary:

V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Yes: Claims	1-10
	No: Claims	
Inventive step (IS)	Yes: Claims	1-10
	No: Claims	
Industrial applicability (IA)	Yes: Claims	1-10
	No: Claims	

2. Citations and explanations

see separate sheet

Re Item V

Reasoned statement with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

Reference is made to the following document:

D1: US 2001/015718 A1 (BATHICHE STEVEN N ET AL) 23 August 2001 (2001-08-23)

1. The document D1 is regarded as being the closest prior art to the subject-matter of claim 1, and shows (the references in parentheses applying to this document):

a method of navigating in a virtual three-dimensional environment in an electronic device (paragraph 64), wherein a movable physical member is controlled by applying a finger of a user to the movable physical member (paragraph 75-76, 108) and wherein navigation in one direction (paragraph 167) is achieved by removing the finger from the movable physical member and re-applying it to the movable physical member within a set time limit (paragraph 151).

The subject-matter of claim 1 differs from this known method in that a step upwards in a virtual three-dimensional environment is achieved by removing the finger from the movable physical member and re-applying it to the movable physical member within a set time limit.

The subject-matter of claim 1 is therefore new (Article 33(2) PCT).

2. The problem to be solved by the present invention may be regarded as providing the capability of moving a step upwards in a hierarchy of commands quickly and in an efficient way to the user.

The solution to this problem proposed in claim 1 of the present application is considered as involving an inventive step (Article 33(3) PCT) for the following reasons:

The navigation directions achieved by the method disclosed in D1 all lead to the display of additional information when the finger is re-applied to the movable physical member. There are no teachings in D1 pointing to this type of navigation, and such a step upwards must be achieved by depressing other buttons.

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A similar reasoning can be applied to independent claim 3, since its contains subject-matter corresponding to the subject-matter of claim 1. Therefore, also claim 3 is novel and inventive.

3. Claims 2 and 4 to 10 are dependent on claims 1 and 3 respectively, and as such also meet the requirements of the PCT with respect to novelty and inventive step.